

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARROW FOWLER,

Defendant.

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8:10CR283

ORDER

This matter is before the court on the motion to continue by the government (Filing No. 76). The government seeks a continuance of the trial scheduled for August 29, 2011, due to the absence of a material witness. The court held a telephone conference with counsel on August 15, 2011. The defendant, Darrow Fowler, was represented by James C. Webering and the United States was represented by Assistant U.S. Attorney Sandra L. Denton. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The government's motion to continue trial (Filing No. 76) is granted.
2. Trial of this matter is re-scheduled for **September 6, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 29, 2011, and September 6, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that an essential witness is unavailable. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A) & (B).

DATED this 15th day of August, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge